

NOV 15 2006

Application Serial No.: 10/673,522
Amendment and Response to September 26, 2006 Final Office Action**REMARKS**

Claims 1 - 7 and 9 - 20 are in the application, wherein claims 1 - 7 and 9 - 20 were previously presented and claim 8 has been canceled. Claims 1 and 18 - 20 are the independent claims herein.

No new matter has been added to the application. Reconsideration and further examination are respectfully requested.

Claim Rejections - 35 USC § 102

Claims 1 - 7 and 9 - 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Diacakis et al. (U.S. Publication No. 2002/0116336, hereinafter "Diacakis"). This rejection is respectfully traversed.

Regarding claim 1, Applicant respectfully notes that claim 1 relates to a method that includes detecting a new device context for a device, wherein said device is associated with an identity and the device context provides an availability status of the device. Clearly, the claimed device context provides an availability status of the device. That is, the device context provides an indication of a status of a device. Applicant respectfully notes that claims 18 (reciting a method), 19 (reciting an article of manufacture), and 20 (reciting an apparatus) each include recitations of a device context, wherein the device is associated with an identity and the device context provides an availability status of the device, similar to claim 1.

Applicant respectfully submits that the cited and relied upon Diacakis does not disclose or suggest, at least, the claimed "detecting a new device context for a device, wherein the device is associated with an identity and the device context provides an availability status of the device". Applicant reiterates that the claimed device context provides an indication of a status of a device.

The Office Action continues to cite and rely upon Diacakis for allegedly disclosing determining a device context for a device associated with an identity, wherein

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the device context provides an availability status of the device. However, Diacakis clearly discloses determining a presence of an individual or, at most, group of individuals. Diacakis does not disclose an availability status of a device.

Specifically, Diacakis discloses, "the presence engine 18 may ascertain the individual's presence on each of the monitored networks" (emphasis added) (See Diacakis, paragraph [0055]). Further, Diacakis discloses a method and system where "the individual may define a series of profiles that describe a situation that the individual may be in" (paragraph [0031], ln. 17-20); "an individual may have an office profile.... The individual may specify which persons belong to each access level for each profile." (paragraph [0032]); "P&A management system server 12 detects a change in, for example, the individual's situation" (paragraph [0034]); "P&A management server 12 detects that the individual is at work, the server 12 transmits the individual's updated P&A information to the clients 22" (paragraph [0035]); and "the presence detection engine 18 may determine additional information about the individual (paragraph [0045]).

Thus, it is clear that the cited and relied upon Diacakis clearly discloses specifying and/or determining a presence and availability of an individual. As Diacakis states, the presence and availability (P&A) management system therein relates to a presence "defined as the ability of an individual to access a particular communications network" and an availability of an individual which is "defined as a willingness of an individual who is present on one or more communications networks to be reached by one or more persons". (emphasis added) (See Diacakis, paragraphs [0026] – [0028]) That is, the presence and availability of Diacakis provides an availability and presence of an individual.

No device context wherein the device context provides an availability status of a device is disclosed by Diacakis.

Regarding the Office Action's citation to and reliance on Diacakis, paragraphs [0026] and [0045], to further argue the disclosure of a device context that provides an availability of status of a device, Applicant repeats paragraphs [0026] and [0045] below.

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[0026] As used herein, the term "presence" is defined as the ability of an individual to access a particular communications network. For example, if a person is near a landline telephone or wireless telephone that is switched on, that person is "present" on a telephone network, i.e., the person is able to use the telephone network to communicate with other people also on the network. Conversely, if a person is not near a landline telephone or wireless telephone, or the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network. Similarly, if a person uses an instant messaging (IM) application at a given point in time, the person is present on that instant messaging network. (emphasis added)

[0045] Based on the presence information on such devices 44-52, the presence detection engine 18 may determine additional information about the individual, such as the individual's status 54 on particular networks (such as on or off) or the individual's physical location 56. In addition, based on information regarding each of these devices 44-53 the presence detection engine 18 may determine the individual's current capabilities 58 such as, for example, whether he can receive voice information, data files, audio files, video files, etc. (emphasis added)

Thus, based on the same citations relied upon by the Examiner, it is abundantly clear that Diacakis discloses a presence and availability that provides an availability, status, presence, location, and capability of an individual. Applicant respectfully submits that Diacakis does not disclose a "device context", as claimed by Applicant.

Therefore, Applicant respectfully submits that the cited and relied upon Diacakis does not disclose that for which it was cited and relied upon for disclosing. In particular, Diacakis fails to disclose each and every aspect of claims 1 and 18 – 20, as is required for anticipation under 35 USC 102(b).

Accordingly, Applicant respectfully submits that claims 1 and 18 – 20 are patentable over Diacakis under 35 USC 102(b) for at least the reasons stated hereinabove. Claims 2 – 7 and 9 – 17 depend from claim 1. Applicant respectfully submits that claims 2 – 7 and 9 – 17 are also patentable over Diacakis under 35 USC 102(b) for at least depending from a patentable base claim. Therefore, the reconsideration and withdrawal of the rejection of claims 1 – 7 and 9 – 20 are respectfully requested, as well as the allowance of same.

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CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (650) 694-5339.

Respectfully submitted,

15 Nov, 2006
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